

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SWISHER,

No. C 05-01546 SI

Plaintiff,

**ORDER OF DISMISSAL UPON
SETTLEMENT**

V.

BARNHART,

Defendant.

11 The parties to the action, by their counsel, have advised the court that they have agreed
12 to a settlement.

13 IT IS HEREBY ORDERED that this matter is DISMISSED WITH PREJUDICE. However, that
14 if any party hereto certifies to this court, with proof of service of a copy thereon on opposing counsel,
15 within ninety days from the date hereof, that settlement has not in fact occurred, the foregoing order
16 shall be vacated and this cause shall forthwith be restored to the calendar for further proceedings.

18 || Dated: 1/25/07

Susan Illston
SUSAN ILLSTON
United States District Judge